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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 **In the Matter of the Amended Accusation**
11 **Against:**

Case Number 2013-681

12 **BEATRICE RENEE KOVAL**
13 **a.k.a. RENEE KOVAL**
14 **7477 Phinney Way**
San Jose, California 95139

AMENDED
ACCUSATION

15 **Registered Nurse License Number 668376**

16 Respondent.

17 Complainant Louise R. Bailey, M.Ed., R.N., alleges:

18 **PARTIES**

19 1. Complainant brings this amended accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs.

21 2. On or about October 28, 2005, the Board issued Registered Nurse License Number
22 668376 to respondent Beatrice Renee Koval, a.k.a. Renee Koval. This registered nurse license
23 was in full force and effect at all times relevant to the charges brought in this accusation and will
24 expire on October 31, 2013, unless renewed.

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JURISDICTION

3. This amended accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b), provides:

“The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

5. Section 2750 provides:

“Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this article, “license” includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.”

6. Section 2759 provides:

“The board shall discipline the holder of any license, whose default has been entered or who has been heard by the board and found guilty, by any of the following methods:

“(a) Suspending judgment.

“(b) Placing him upon probation.

“(c) Suspending his right to practice nursing for a period not exceeding one year.

“(d) Revoking his license.

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1 “(e) Taking such other action in relation to disciplining him as the board in its discretion
2 may deem proper.”

3 7. Section 2764 provides:

4 “The lapsing or suspension of a license by operation of law or by order or decision of the
5 board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive the
6 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding
7 against such license, or to render a decision suspending or revoking such license.”

8 **STATUTORY AND REGULATORY PROVISIONS**

9 8. Section 2761 provides, in pertinent part:

10 “The board may take disciplinary action against a certified or licensed nurse or deny an
11 application for a certificate or license for any of the following:

12 “(a) Unprofessional conduct.”

13 9. California Code of Regulations, title 16, section 1444, provides:

14 “A conviction or act shall be considered to be substantially related to the qualifications,
15 functions or duties of a registered nurse if to a substantial degree it evidences the present or
16 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
17 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

18 “(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
19 subdivision (d) of Penal Code Section 11160.”

20 **COST RECOVERY**

21 10. Section 125.3 provides, in pertinent part:

22 “(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
23 proceeding before any board within the department or before the Osteopathic Medical Board,
24 upon request of the entity bringing the proceedings, the administrative law judge may direct a
25 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
26 to exceed the reasonable costs of the investigation and enforcement of the case.

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“(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.”

FACTUAL BACKGROUND

11. On or about October 15, 2011, an officer from the Mountain View Police Department was working an overtime assignment at the Shoreline Amphitheater Journey concert. The officer and his partner were dispatched to the concert security office on a report of a battery that had occurred during the concert. A citizen's arrest had been made on respondent and she was being held in security. According to witnesses at the concert, Victim 1 asked if respondent could move over a little bit so that she could see the concert. Respondent positioned her face close to Victim 1's face and began yelling at her. Respondent pushed Victim 1, grabbed her by the shoulder, and threw her to the ground. When Victim 1 attempted to stand, respondent grabbed Victim 1's hair, held her face, and hit Victim 1 in the eye with her fist. While respondent was being held in the security area, witnesses identified her as being the suspect that battered Victim 1. The officer read Respondent her rights and arrested her.

12. On or about October 16, 2011, Victim 1 arrived at the Mountain View Police Department and the officer photographically documented her injuries. The officer noticed a raised bump and bruises under her left eye. Victim 1 stated that she was experiencing pain and discomfort in her face area. The officer documented Victim 1's injury with three photographs.

13. On or about June 25, 2012, in a criminal proceeding entitled *The People of the State of California v. Beatrice Renee Koval*, in the Santa Clara County Superior Court, Case Number B1157086, respondent's criminal case was dismissed after she completed 20 hours court-ordered anger management classes.

CAUSE FOR DISCIPLINE
Bus. & Prof. Code, § 2761, subd. (a)
Unprofessional Conduct

14. The allegations of paragraphs 11-13 are realleged and incorporated by reference as if fully set forth.

15. Respondent has subjected her registered nurse license to disciplinary action under section 2761, subdivision (a), for unprofessional conduct. As set forth in paragraphs 11-13

1 above, respondent pushed and threw Victim 1 to the ground. She then held Victim 1's hair and
2 hit her in the eye.

3 **PRAYER**

4 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this
5 amended accusation, and that following the hearing, the Board issues a decision:

6 1. Revoking or suspending Registered Nurse License Number 668376 issued to Beatrice
7 Renee Koval, a.k.a. Renee Koval;

8 2. Ordering Beatrice Renee Koval, a.k.a. Renee Koval, to pay the Board of Registered
9 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
10 Business and Professions Code section 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: April 17, 2013 *Stacie Ben*
13 *for* LOUISE R. BAILEY, M.Ed., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant

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